

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
MANN REALTY ASSOCIATES, INC., : CHAPTER 11
Debtor :
: CASE NO. 1:17-bk-00080-RNO
:

MOTION TO DISMISS CHAPTER 11 PROCEEDING
PURSUANT TO 11 USC §1112(b)(1)

NOW COMES Debtor, Mann Realty Associates, Inc., by and through the undersigned counsel, moving this Honorable Court to dismiss the Chapter 11 proceeding pursuant to 11 USC §1112(b)(1) as set forth hereafter:

1. On January 10, 2017, Debtor filed a voluntary petition commencing a case under Chapter 11 of the United States Bankruptcy Code.

2. The petition was filed pro se after the President of Debtor sought confirmation from the counter person in the Clerk's office that he could file it on behalf of the corporation.

3. Despite efforts to retain counsel, including Robert Chernicoff, Esquire and Gary Imblum, Esquire, Debtor was unable to timely secure legal counsel prior to filing the voluntary emergency petition.

4. Subsequent to the filing, Debtor retained Law Offices of Craig A. Diehl as its counsel on February 14, 2017.

5. Law Offices of Craig A. Diehl immediately filed its application to be employed on February 15, 2017.

6. Pursuant to a Court Order to Appear and Show Cause as to why the instant filing should not be dismissed, since it was filed by a non-attorney, the undersigned counsel acknowledges the United States Bankruptcy Court for the Middle District of Pennsylvania's

opinion entitled In re Poconos Land, LLC, 343 B.R. 108 (2005) holding that in Pennsylvania, an individual who is not a licensed attorney may not commence a bankruptcy case on behalf of an artificial business entity such as a corporation.

7. While other Courts (United States Bankruptcy Court, D. Connecticut) have opined on this issue in a different manner, including In re Interiors of Yesterday, LLC, 284 B.R. 19 (2002). Debtor desires to respect this Court's concern and the prior holding as espoused in In re Poconos Land, LLC, and move to dismiss this proceeding.

WHEREFORE, Debtor respectfully requests that the above-captioned proceeding be dismissed pursuant to 11 USC §1112(b) for failure of Debtor to commence the bankruptcy filing through a licensed attorney.

Respectfully submitted,

LAW OFFICES OF CRAIG A. DIEHL

Date: March 1, 2017

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